

**Massachusetts Department of Environmental Protection
Drinking Water Program
Public Notification**

TIER 3 TEMPLATES

The pages that follow contain templates for Tier 3 violations and situations. Along with the templates are instructions, including the required method of delivery and instructions for completing individual sections of the notices. These templates have been adapted for Massachusetts' public water systems from the EPA and the Association of State Drinking Water Administrators (ASDWA) *Public Notification Handbook*. The EPA/ASDWA *Handbook* provides additional aids to help water systems develop notices for violation situations. An electronic copy of the Public Notification Handbook is available at EPA's web site (www.epa.gov/safewater/pn.html). **Please note that the EPA/ASDWA Handbook templates are non-state specific so Massachusetts's water suppliers are required to use the Massachusetts' version of the templates for compliance purposes.** Electronic copies of the Massachusetts' public notification templates are available on the DEP website <http://www.state.ma.us/dep/brp/dws/publnot.htm>.

Mandatory language on unknown risk for monitoring violations, which must be included exactly as written, is presented in *italics* (310 CMR 22.16 (5)(d)). All the language in the fluoride SMCL template (except the language discussed below) is mandatory (310 CMR 22.16 (8)).

You must also include the following italicized language in all notices, where applicable (310 CMR 22.16 (5)(d)). Use of this language does *not* relieve you of your obligation to take steps reasonably calculated to notify all persons served:

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Templates

Monitoring Violations Annual Notice--Template 3-1
Fluoride SMCL Notice--Template 3-2

Instructions for Monitoring Violations Annual Notice--Template 3-1

Template on Following Page

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation (310 CMR 22.16 (4)(b)). Multiple monitoring violations can be serious, and DEP may have more stringent requirements. Check with your regional office of the DEP Drinking Water program to make sure you meet all requirements.

Community systems must use one of the following (310 CMR 22.16 (4)(c)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following (310 CMR 22.16 (4)(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method (310 CMR 22.16 (4)(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (310CMR 22.16 (4)(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the following page is appropriate for insertion in an annual notice or the CCR, as long as public notification timing and delivery requirements are met (310 CMR 22.16 (4)(d)). You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Include in your notice the standard language for monitoring and testing procedure violations in *italics* (310 CMR 22.16 (5)(d)). If you modify the notice, you may not alter this mandatory language.

Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- We plan to take the required samples soon, as described in the last column of the table above.

After Issuing the Notice

Make sure to send your regional office of the DEP Drinking Water Program and local Board of Health a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (310 CMR 22.15 (3)(b)).

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER
Monitoring Requirements Not Met for [System]

Our water system violated several drinking water standards over the past year. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During [compliance period] we ['did not monitor or test' or 'did not complete all monitoring or testing'] for [contaminant(s)] and therefore cannot be sure of the quality of our drinking water during that time.

What should I do?

There is nothing you need to do at this time.

The table below lists the contaminant(s) we did not properly test for during the last year, how often we are supposed to sample for [this contaminant/these contaminants] and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were or will be taken
VOCs ¹ (example)	1 sample every three years	0	1996-1998	February 1999

What happened? What is being done?

[Describe corrective action.]

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by [system].

PWS ID#:

Date distributed:

¹VOCs, also known as volatile organic compounds, are tested by collecting one sample and testing that sample for all the VOCs. VOCs are commonly used in industrial and manufacturing processes. VOCs include benzene, carbon tetrachloride, chlorobenzene, 1,2-dichlorobenzene, 1,4-dichlorobenzene, 1,2-dichloroethane, cis-dichloroethylene, trans-dichloroethylene, dichloromethane, 1,2-dichloropropane, ethylbenzene, styrene, tetrachlorethylene, 1,1,1-trichloroethane, trichloroethylene, toluene, 1,2,4-trichlorobenzene, 1,1-dichloroethylene, 1,1,2-trichloroethane, vinyl chloride, and xylene.

Instructions for Fluoride SMCL Notice--Template 3-2

Template on Following Page

For any exceedance of the fluoride secondary maximum contaminant level SMCL, you must provide public notice to persons served as soon as practical but within 12 months after you learn of the exceedance (310 CMR 22.16(8)), using the provided mandatory language and filling in the blanks. DEP may have more stringent deadlines or other requirements. Because fluoride at levels above the SMCL can permanently discolor children's teeth, you are urged to issue this notice as soon as practical. Non-community systems that monitor for fluoride (federal law does not require non-community systems to monitor) are encouraged to notify their consumers if they exceed the SMCL, especially at water systems serving children. If you exceed the MCL of 4 mg/l, you must provide notice within 30 days of learning of the violation (310 CMR 22.16(2)). See Template 2-4.

Community systems must use one of the following (310 CMR 22.16(4)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

In addition, you must use *another* method reasonably calculated to reach others if they would not be reached by the first method (310 CMR 22.16(4)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the exceedance is resolved. If the exceedance has been resolved, you must post the notice for at least one week (310 CMR 22.16(4)(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the following page is appropriate for insertion in an annual notice or the CCR, as long as public notification timing and delivery requirements are met (310 CMR 22.16 (4)(d)), as well as for a separate individual notice. The language on the template is mandatory and may not be modified, although you may add to the notice, as suggested below (310 CMR 22.16(8)).

Explaining the Situation

Use the following language, if applicable:

- Fluoride contamination is rarely due to human activity. Fluoride occurs naturally in some areas and is found in high concentrations in the aquifer in our source water.

If the fluoride levels in the water have returned to below the SMCL, be sure to make this clear in your notice.

Corrective Actions

In your notice, you should describe corrective actions you took or are taking, if any. The bullet below describes one action commonly taken by water systems with fluoride SMCL exceedances. Use this language, or develop your own:

- We are continuing to monitor fluoride levels. We will inform you if they exceed the limit of 4 mg/l.

After Issuing the Notice

Make sure to send your regional office of the DEP Drinking Water Program and local Board of Health a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (310 CMR 22.15(3)(b)).

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Elevated Fluoride Levels Detected

This is an alert about your drinking water and a cosmetic dental problem that might affect children under nine years of age. At low levels, fluoride can help prevent cavities, but children drinking water containing more than 2 milligrams per liter (mg/l) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis). The drinking water provided by your community water system [name] has a fluoride concentration of [insert value] mg/l.

Dental fluorosis in its moderate or severe forms, may result in a brown staining and or pitting of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums. Children under nine should be provided with alternative sources of drinking water or water that has been treated to remove the fluoride to avoid the possibility of staining and pitting of their permanent teeth. You may also want to contact your dentist about proper use by young children of fluoride-containing products. Older children and adults may safely drink the water.

Drinking water containing more than 4 mg/l of fluoride (the U.S. Environmental Protection Agency's drinking water standard) can increase your risk of developing bone disease. Your drinking water does not contain more than 4 mg/l of fluoride, but we're required to notify you when we discover that the fluoride levels in your drinking water exceed 2 mg/l because of this cosmetic dental problem.

For more information, please call [name of water system contact] of [name of community water system] at [phone number]. Some home water treatment units are also available to remove fluoride from drinking water. To learn more about available home water treatment units, you may call NSF International at 1-877-8-NSF-HELP.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by [system].

PWS ID#:

Date distributed:
